

REMARKS/ARGUMENTS

Claims 92-95, 97, 99-109, 111-115, 117-120, 122-123, 125-127, 129-136, 138 and 140-142 remain in the application for further prosecution. Claim 121 has been cancelled. Claims 96, 98, 110, 116, 124, 128, 137 and 140 have been amended.. The Applicant thanks the Examiner for allowance of claims 106-109 and 131-136.

The Rejections

Claims 137-142 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant appreciates the Examiner's careful review of the application and has amended the claims to obviate the 3112 rejections.

Claims 90-97 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,577,911 to Garfinkel ("Garfinkel").

Claims 116-120 and 122-126 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,832,683 to Idemoto et al. ("Idemoto").

Claims 98-100, 102, 103, 110-115, 124, 125 and 137-142 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,139,320 to Hahn ("Hahn").

Claims 101, 104 and 105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hahn in view of Idemoto.

Claims 127-130 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Idemoto.

Claim 90

The § 102 rejection based on Garfinkel fails because Garfinkel does not disclose all of the elements of claim 90. Specifically, claim 90 requires that the central axis be located within the outer surface. Applicant has further amended claim 90 for the purposes of clarity such that it is now clear that the central axis is entirely located within the outer surface between the lower end in the upper end. Garfinkel's curette has a crooked shape along its length and a spoon shape at its lower end, such that the central axis could never be located entirely within the outer surface. In other words, Garfinkel's central axis extending between the upper end (the upper end, as defined in claim 90, is the portion that is coupled to the driving mechanism) and the lower end of Garfinkel's curette would be external to the outer surface of the curette, and is not located within the outer surface. Furthermore, because Garfinkel's curette requires this type of shape along its length and its lower end to perform its intended function (removing granulated tissue from healthy tissue), Garfinkel could never be modified to arrive at the present invention without causing its structure to be rendered unsatisfactory for its intended purpose.

As such, claim 90 and its dependent claims are believed to be allowable.

Claim 98

In the Office Action, the Examiner states that Hahn fails to disclose installing an implant into the elongated bore. Office Action, p. 6. Nevertheless, the Examiner relies upon the teachings of "bone replacement materials" at Column 1 as rendering obvious the claim element of installing the implant into the bore. The Applicants respectfully disagree with the Examiner's reading of Hahn relative to claim 98. To further distinguish Hahn from the present invention, claim 98 has been further amended to indicate that the length of the implant corresponds to the

length of the elongated bore produced by the tool. In other words, a tool is selected that will match the dimensions of the implant. This teaching can be found throughout the specification, especially when the specification discusses the use of the depth markings (e.g. "Depth mark 26b typically corresponds to the length of the implant that is to be inserted." Specification, page 6).

Hahn fails to teach anything about inserting an implant into an elongated bore where the implant has a length that corresponds to the length of the elongated bore. Nor would one of ordinary skill in the art, after reading Hahn, choose a length of a tool that corresponds to the length of the desired implant, create an elongated bore with the tool of desired length, and thereafter install the dental implant. In short, the present invention, as set forth in claim 98, is substantially different from Hahn, especially when considering that Hahn fails to disclose anything with respect to installing an implant into bone.

Claim 110

Claim 110 was also rejected under Hahn and, in doing so, the Examiner relied upon being teaching at Column 1 regarding the use of "bone replacement materials." To further distinguish claim 110 from Hahn, claim 110 has been amended such that the installation of the implant occurs by use of a power-driven mechanism. The use of a power-driven mechanism to install dental implants is supported in specification. For example, the Summary of the Invention states, "[t]he driving mechanism may also be modular in that it could be used to insert the dental implant into the bore after the tools have provided the appropriately sized bore. Thus, the shaft of the driving mechanism has means to engage the top portion of a self-tapping implant and screws the implant into the bore." Accordingly, in claim 110, the power-driven mechanism for installing the implant could be the driving mechanism for the tool.

The present invention as set forth in claim 110 is substantially different from Hahn, especially when considering that Hahn fails to disclose anything with respect to installing an implant into bone, much less using a power-driven mechanism to install the implant.

Claim 116

Claim 116 has been amended to include depth markings along the tool for determining the depth of insertion. None of the prior art discloses such a tool, much less a tool with such depth markings.

Claim 124

Claim 124 has been amended to include depth markings on an outer surface of the tool for determining a depth of insertion into the bore. None of the prior art discloses a method of using such a tool, much less a tool with these depth markings.

Claim 128

Claim 128 has been further amended to clarify that the central axis extends along the length of the tool between the lowermost and the upper end, which is coupled to the driving mechanism. The cutting edge at the lowermost end is generally perpendicular to the central axis. As the cutting edge is engaging the bone, the central axis is generally perpendicular to the bone. This configuration can be seen as the tools are inserted into the bone in Figures 4-6.

Idemoto discloses neither the claimed tool, nor a method of using the claimed tool. Rather, when considering the central axis of Idemoto's tool between the lowermost end and the upper end, Idemoto's cutting surface is not generally perpendicular to the central axis. Furthermore, Idemoto's tool is never inserted into a bore in a manner whereby the central axis is

generally perpendicular to bone. There is simply no teaching whatsoever in Idemoto of such a tool or such a process.

Claim 137

Claim 137 has been amended to require the set to include a screw-type dental implant, wherein the screw-type dental implant is threadably installed in the bore after the compaction tool creates the bore. None of the prior art teaches such a set of components.

Claim 139

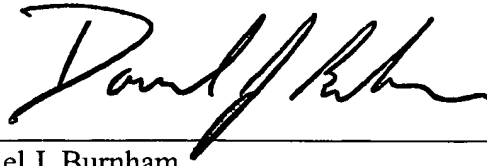
Claim 139 has been amended to require the set to include a screw-type dental implant that is received by the bore. None of the prior art teaches such a set of components.

Conclusion

It is the Applicant's belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,



Date: June 17, 2004

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